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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER C. GULYAS,

Plaintiff,

v.

EDWIN KAISER, CAPTAIN, U.S.  
NAVY,

Defendant,

Case No.: **'19CV1699 BAS KSC**

**NOTICE OF REMOVAL OF A CIVIL  
ACTION**

[28 U.S.C. § 1442]

(Removed from Superior Court of  
California, County of San Diego, Case No.  
37-2019-00028908-SC-SC-CTL)

**TO: THE CLERK OF THE ABOVE-ENTITLED COURT**

**PLEASE TAKE NOTICE** that the United States of America, through its attorneys, Robert S. Brewer, Jr., United States Attorney, and Kyle W. Hoffman, Assistant U.S. Attorney, respectfully removes to this Court the above-captioned civil action from the Superior Court of California, County of San Diego, Case No. 37-2019-00028908. The grounds for this removal include the following:

On or about June 6, 2019, plaintiff Christopher C. Gulyas ("Gulyas") initiated this action as Case No. 37-2019-00028908-SC-SC-CTL in the Superior Court of California, County of San Diego. *See* Exhibit A.

1 In his complaint, Gulyas named Edwin Kaiser, Captain, U.S. Navy, as the defendant.  
2 *See id.* Captain Kaiser is an officer of the United States, according to Gulyas's complaint  
3 itself.

4 Removal of this case is therefore appropriate pursuant to 28 U.S.C. § 1442. Section  
5 1442(a)(1) provides for removal in cases commenced in a state court against the United  
6 States, its agencies, *and officers*. Accordingly, this suit is properly subject to removal,  
7 without bond, under 28 U.S.C. § 1442(a)(1), because the action to be removed is against  
8 (an officer of) the United States pending in a state court located within this judicial district.

9 As a further basis for removal, it is anticipated that the United States may raise  
10 several defenses to the complaint, including but not limited to, the United States' (and its  
11 agencies') sovereign immunity, as well as other defenses.

12 A copy of Gulyas's complaint, as filed in the Superior Court of California, County  
13 of San Diego as Case No. 37-2019-00028908-SC-SC-CTL, is attached pursuant to 28  
14 U.S.C. § 1446(a). *See* Exhibit A.

15 **WHEREFORE**, Case No. 37-2019-00028908-SC-SC-CTL, now pending in the  
16 Superior Court of California, County of San Diego, is removed to this Court.

17  
18 DATED: September 6, 2019

ROBERT S. BREWER, JR.  
United States Attorney

19  
20 s/Kyle W. Hoffman  
21 KYLE W. HOFFMAN  
22 Assistant U.S. Attorney  
23 Attorneys for  
24 United States of America  
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